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**S. 94**

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Summary: State Athletic Commission

**HISTORY OF LEGISLATIVE ACTIONS**

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12/10/2008 Senate Referred to Committee on **Labor, Commerce and Industry**

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**VERSIONS OF THIS BILL**

[12/10/2008](file:///p:\pprever\2009-10\94_20081210.docx)

**A** **BILL**

TO AMEND SECTIONS 40‑81‑20, 40‑81‑50, 40‑81‑230, AND 40‑81‑430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE ATHLETIC COMMISSION’S POWERS AND DUTIES, SO AS TO EXCLUDE PROFESSIONAL WRESTLING AS A SPORT THAT IT REGULATES; AND TO REPEAL SECTION 40‑81‑300 RELATING TO THE LICENSING OF A WRESTLER.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40‑81‑20 of the 1976 Code, as added by Act 28 of 2003, is amended to read:

“Section 40‑81‑20. For the purpose of this chapter:

(1) ‘Admissions’ means the amount paid for seats to witness an event or exhibition or any fee charged for presenting an event or exhibition including, but not be limited to, complimentary tickets given in exchange for services. This term does not include admission for contestants, officials, representatives of the commission, and the media.

(2) ‘Administrator’ means the individual whom the Director of the Department of Labor, Licensing and Regulation appoints to administer the State Athletic Commission program.

(3) ‘Announcer’ means any person who is licensed by the commission and is designated by the promoter to introduce the participants and provide information to the public at the event or exhibition.

(4) ‘Bout’ means the individual contest between two participants for a scheduled number of rounds, but excludes the sport of wrestling.

(5) ‘Boxer’ means a person who competes for a purse or compensation in boxing matches, contests, or exhibitions.

(6) ‘Boxing’ means any form of event or exhibition in which a person delivers blows to another, with any part of the arm below the shoulder, including the hand, which may be reasonably expected to disable or inflict injury.

(7) ‘Combative sports’ means any professional sport where participants intend and actually kick, punch, and use other techniques to injure or disable an opponent in an event or exhibition before an audience on a platform, a pad, or in an area surrounded by ropes or other markings, but excludes the sport of wrestling.

(8) ‘Commission’ means the State Athletic Commission.

(9) ‘Contestant’ means anyone who competes or participates in an event or exhibition regulated by the State Athletic Commission.

(10) ‘Department’ means the Department of Labor, Licensing and Regulation.

(11) ‘Department representative’ means the individual designated by the administrator, at the request of the director, to supervise an event or exhibition regulated by the State Athletic Commission.

(12) ‘Director’ means the Director of the Department of Labor, Licensing and Regulation or the director’s official designee.

(13) ‘Emergency medical technician’ means a person who is certified by the Department of Health and Environmental Control pursuant to the Emergency Medical Services Act.

(14) ‘Event’ means an occurrence, bout, or contest regulated by the State Athletic Commission in which any contestant displays or exhibits athletic skills in competition, but excludes the sport of wrestling.

(15) ‘Exhibition’ means an occurrence in which the participant shows, displays, or performs without striving to win, but excludes the sport of wrestling.

(16) ‘Kickboxing’ means any form of competition in which a person delivers blows with any part of the arm below the shoulder, including the hand and any part of the leg below the hip, including the foot.

(17) ‘License’ means the written approval given, upon application, by the commission to a person, club, corporation, organization, or association to participate in or promote events or exhibitions regulated by the State Athletic Commission.

(18) ‘Manager’ means a person who does any of the following:

(a) by contract with a person undertakes or has undertaken to represent in any way the interest in which a contestant is to participate and receive monetary or other compensation for his services without regard to the source of the compensation;

(b) directs or controls the professional activities of a contestant;

(c) receives or is entitled to receive a share of the gross purse or gross income of an event or exhibition;

(19) ‘Matchmaker’ means a person who undertakes to obtain agreements between managers or contestants, or both, for the purpose of securing contestants for a boxing event or exhibition regulated by the State Athletic Commission.

(20) ‘Official’ means the judges, referees, timekeepers, and other persons assigned by the administrator and necessary to conduct an event or exhibition, but excludes the sport of wrestling.

(21) ‘Participant’ means a person who acts as a promoter, boxer, ~~wrestler,~~ judge, referee, manager, contestant, trainer, second, timekeeper, announcer, or matchmaker in connection with an event or exhibition regulated by the State Athletic Commission.

(22) ‘Permit’ means the written approval given, upon application, by the commission to a promoter to hold and conduct an event or exhibition regulated by the State Athletic Commission at a specific time, date, and location.

(23) ‘Person’ means an individual, group of individuals, business, corporation, partnership, association, or collective entity.

(24) ‘Physician’ means a person licensed to practice medicine or osteopathy in this State.

(25) ‘Professional kick boxer’ means any form of competition in which a person delivers blows with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot, and the person is compensated with anything of value.

(26) ‘Promoter’ means a person, club, corporation, organization, or association which promotes, advertises, presents, conducts, holds, or gives a boxing, or kickboxing~~, or wrestling~~ event or exhibition in this State.

(27) ‘Promoter’s representative’ means a person who is designated in writing by the promoter to ensure compliance with this chapter and who has binding authority for all promoters.

(28) ‘Purse’ means the total amount paid by a promoter to the contestants and officials for participating in an event or exhibition.

(29) ‘Ringside physician’ is the physician responsible for examining the contestant before, during, and after each event or exhibition and who is present at ringside for the entire event or exhibition.

(30) ‘Second’ means a person who is licensed by the commission to serve in the corner of a professional boxer during the bout.

(31) ‘Technical knockout’ means a victory with immediate termination of the bout or match, ordered by the referee, when it appears that one boxer is unable to continue.

(32) ‘Toughman contest’ or ‘off the street boxing’ means a competition in which contestants who have no professional experience as boxers compete in a series of boxing matches. The term does not include an amateur contest or exhibition that complies with the provisions of Section 40‑81‑500.

(33) ‘Trainer’ means any person who is licensed by the commission and trains individuals to compete in professional boxing or kickboxing events or exhibitions.

(34) ‘Ultimate fighting’ means an event or exhibition, or part thereof, where the contestants are compensated and allowed to use any variation or combination of combative sports or fighting skills, or weapons, which may include, but are not limited to, boxing, wrestling, kickboxing, or martial art skills.

(35) ‘Weapon’ means anything that is not a part of the human body, excluding boxing gloves and equipment used in combative sports.

~~(36)~~ ~~‘Wrestler’ means a person who performs before, during, or after a wrestling event or exhibition which is in conjunction in any way with the event or exhibition or its script. These persons shall meet all qualifications for licensure and pay the prescribed fee.~~

~~(37)~~ ~~‘Wrestling’ means events or exhibitions choreographed such that two or more opponents struggle hand to hand in an attempt to force another down for the purpose of providing entertainment to spectators.~~”

SECTION 2. Section 40‑81‑50(A) of the 1976 Code, as added by Act 28 of 2003, is amended to read:

“(A) There is created the State Athletic Commission consisting of eight members appointed by the Governor with the advice and consent of the Senate to regulate boxing, kickboxing, ~~wrestling,~~ and other combative sports in this State, but excludes the sport of wrestling. One member must be appointed from each congressional district of the State and two from the State at large. One of the at‑large appointments shall be a physician licensed and in good standing in the State. The terms of the members are for four years and until their successors are appointed and qualified. Vacancies must be filled by the Governor for the remainder of an unexpired term. The commissioners of the State Athletic Commission may not have any financial interest, direct or indirect, in the promotion, management, or result of any boxing, or kickboxing~~, or wrestling~~ event or exhibition.”

SECTION 3. Section 40‑81‑230 of the 1976 Code, as added by Act 28 of 2003, is amended to read:

“Section 40‑81‑230. The commission shall issue licenses pursuant to this chapter as follows:

(1) boxer;

~~(2)~~ ~~wrestler;~~

~~(3)~~(2) manager;

~~(4)~~(3) second;

~~(5)~~(4) trainer;

~~(6)~~(5) announcer;

~~(7)~~(6) promoter;

~~(8)~~(7) promoter’s representative;

~~(9)~~(8) referee;

~~(10)~~(9) judge;

~~(11)~~(10) timekeeper;

~~(12)~~(11) matchmaker;

~~(13)~~(12) professional kick boxer.”

SECTION 4. Section 40‑81‑430 of the 1976 Code, as added by Act 28 of 2003, is amended to read:

“Section 40‑81‑430. The following licensure fees must be established by the department, in conjunction with the commission, and adjusted in accordance with Section 40‑1‑50(d):

(1) promoter;

(2) promoter’s representative;

(3) referee;

(4) manager;

~~(5)~~ ~~wrestler;~~

~~(6)~~(5) matchmaker;

~~(7)~~(6) boxer;

~~(8)~~(7) kick boxer;

~~(9)~~(8) trainer;

~~(10)~~(9) second;

~~(11)~~(10) timekeeper;

~~(12)~~(11) announcer;

~~(13)~~(12) judge;

~~(14)~~(13) event permit for boxing~~;~~

~~(15)~~ ~~event permit for wrestling~~.”

SECTION 5. Section 40‑81‑300 of the 1976 Code is repealed.

SECTION 6. This act takes effect upon approval by the Governor.

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